

GOVERNMENT

SIKKIM



GAZETTE

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**FOREST, ENVIRONMENT & WILDLIFE MANAGEMENT DEPARTMENT
GOVERNMENT OF SIKKIM**

No.82/GOS/FEWMD/Pr.Secy-PCCF

Dated: 04/06/2016

NOTIFICATION

In exercise of the powers conferred by clause (c) of sub-section (2) of section 83 of the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 (6 of 1988), the State Government hereby makes the following rules, namely:-

1. Short title, extent and commencement

- (1) These rules may be called the Sikkim Forest (Preservation, Protection and Declaration) of Heritage Tree Rules, 2016.
- (2) They shall extend to the whole of Sikkim.
- (3) They shall come into force at once.

2. Definition:

- (a) "Act" means the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988;
- (b) "breast height" means a height of 1.37 metres from the base of the tree;
- (c) "Chief Conservator of Forests" means an officer of that designation having territorial jurisdiction over the land on which the heritage tree is located;
- (d) "Committee" means the committee constituted under rule 7;
- (e) "Conservator of Forests" means an officer of that designation having territorial jurisdiction over the land on which the heritage tree is located;
- (f) "Divisional Forest Officer" means an officer of that designation having territorial jurisdiction over the land on which the heritage tree is located;
- (g) "Government" means the State Government of Sikkim;
- (h) "Heritage tree" means any tree declared as Heritage Tree under these rules;
- (i) "Principal Chief Conservator of Forests" means an officer of that designation having territorial jurisdiction over the land on which the heritage tree is located.

3. Power of the State Government to declare heritage trees

The Government may, on account of the size, health, historical and ecological significance of any tree, declare it by notification to be a heritage tree:

Provided that a tree standing on private land that is sought to be notified as a heritage tree shall first be fully compensated in terms of the market value of the timber or wood that is contained in it.

4. Criteria for declaring a tree as heritage tree

A tree shall be declared as heritage tree if it fulfills the following criteria, namely:

- (i) it has a girth measurement of at least 15 feet at breast height;
- (ii) it is not hollow, diseased or drying;
- (iii) it has historical and ecological value due to its cultural association with human settlements and its utility for providing seeds, flowers or fruits for human use or for procreation of the same species.

5. Heritage tree not to be felled or damaged

No person shall fell or damage a tree declared and notified as heritage tree under these rules except with the approval of the Government which shall be given only after denotifying the said tree:

Provided that a heritage tree may be trimmed with the approval of the Principal Chief Conservator of Forests.

6. Criteria for denotifying of heritage tree

A heritage tree shall be denotified as per the procedure prescribed in rule 7 if it is found to be diseased or causing a threat to human life or property.

7. Procedure for denotifying a heritage tree

- (1) A committee consisting of the Chief Conservator of Forests, Conservator of Forests and Divisional Forest Officer shall inspect the tree and submit a technical report justifying that the tree has lost one or more of the characteristics due to which it was notified as a heritage tree.
- (2) The Government shall, based on the technical report submitted to it under sub-rule (1), approve the denotification of the said tree:

Provided that the Government may constitute a review committee to review the technical report submitted to it under sub-rule (1) above before granting approval.

- (3) The Government shall, based on the report of the review committee cancel the status of the said tree as heritage tree by notification.

8. Penalty for violation of these rules

Felling of a heritage tree or trees in violation of the provisions of these rules shall be treated as a forest offence and shall be punishable under the Act.

**Dr. Thomas Chandy, IFS
Principal Secretary-cum-PCCF**